



STATE OF MARYLAND  
**Governor's Bay Cabinet**  
**Executive Committee**  
C. Ronald Franks, Chair

- Department of Natural Resources
- Department of the Environment
- Department of Agriculture
- Department of Planning

November 12, 2003

Name  
County  
Address  
City, State zip

Dear :

As the Executive Committee of the Governor's Chesapeake Bay Cabinet, we are writing to inform you about recent developments in efforts to restore the Chesapeake Bay and implement the Clean Water Act. These changes may affect your thinking about where and how to target development based on its effect on pollution loads and water quality.

**Background**

As you know, the Chesapeake Bay, one of our region's greatest natural and economic resources, has been in decline for some time now. The Bay provides recreation, commerce and habitat for the people and wildlife of Maryland, and is an integral part of the State's economy and quality of life. The restoration of the Bay has been an intensive cooperative effort of all stakeholders and includes your efforts to protect and restore streams and rivers within your jurisdiction.

While measures to date have achieved significant water quality improvements, recent data indicates that the six Bay watershed states and the District of Columbia must cut in half the current loads to the Bay if they are to meet the Chesapeake Bay Agreement water quality goals by 2010. This means that the Bay-wide annual nitrogen loads must be reduced by 110 million pounds and the phosphorus load reduced by 6.3 million pounds from 2000 levels. Last April, the states of Maryland, Virginia, Pennsylvania, New York, West Virginia, Delaware and the District of Columbia agreed to work together to achieve these goals in order to restore the Bay, but these kinds of reductions cannot be achieved through the actions of the states alone. Local governments, businesses and private citizens will all need to do their part.

These new nutrient reduction goals are not only necessary to restore the Chesapeake Bay but are also needed to address the requirements of the federal Clean Water Act. Right now, most of the Bay and its tidal tributaries are not meeting water quality standards. In cases where standards are not being met, the Clean Water Act requires that states develop Total Maximum Daily Loads, or TMDLs, that prescribe the pollutant reduction levels that are necessary to meet standards. Just like the Bay nutrient reduction goals, a TMDL sets a limit, or cap, on pollutants that impair water quality and cause violations of water quality standards for a stream, lake, river or the Bay. Implementation of TMDLs to achieve water quality standards will have far reaching effects on many activities within the Bay Watershed and throughout Maryland. The TMDL will establish pollutant-loading limits for all sources within the watershed, including discharges from point sources (sewage treatment plants, industrial wastewater systems, urban/suburban stormwater systems), nonpoint sources (runoff from farms, concentrated animal feeding operations, rural residential areas, septic systems) and deposition of pollutants from the atmosphere (resulting from emissions from power plants, motor vehicles, etc.).

## **Implications**

If water quality goals are not attained in the Chesapeake Bay by 2010, a TMDL will be required for the Bay itself. A formal TMDL imposed at the Federal level would further reduce local flexibility for land and water management, would increase implementation costs, and could lead to costly litigation.

Because these goals represent a limit on the amount of nutrient loading from each tributary watershed of the Bay, it is in the interest of each local jurisdiction within that tributary watershed to plan wisely for the future. Being assertive between now and 2010 to meet the Bay goals (and at the same time, TMDL goals) will assist your community in addressing both of these goals and will also position your community to better accommodate future growth and development without compromising water quality and violating the provisions of the Clean Water Act. For these reasons, it is in all of our interests to engage in a coordinated strategy to reach and maintain the water quality and habitat improvement goals set forth in the Chesapeake 2000 Agreement.

## **Recommendations**

In order to meet the nutrient cap load allocations for Maryland, we are working with the Maryland Tributary Teams to develop nutrient reduction strategies for each of the ten Chesapeake Bay tributary basins in the State. The strategies will provide road maps to improve water quality in local streams and rivers as well as the Bay, through the implementation of point source and non-point source management practices. We are encouraging the Tributary Teams to address TMDL implementation at the same time.

We recommend that all counties examine their land use policies and programs to assess their ability to minimize future growth impacts on water quality. In particular, we encourage you to ensure that the principles and practices of watershed planning and resource protection are incorporated in your land use planning process. We also encourage you to make every effort to implement the nutrient and sediment reductions incorporated into the Tributary Strategies and the TMDLs.

Programs such as water and sewer and watershed management planning; subdivision regulations and approval processes; land preservation; zoning; erosion and sediment control; and stormwater management all can support meeting the nutrient reduction goals. All of these should be reviewed and their effectiveness optimized.

We recognize this is not an easy task. We offer the assistance of our agencies to help you evaluate and recommend any adjustments to your programs, policies and regulations to best achieve nutrient reductions and water quality improvement. In addition to your efforts, we will be looking at ways to support you by identifying sources of funding and improving coordination of State programs.

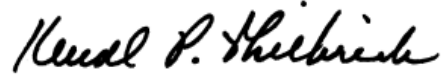
This fall and winter, with the assistance of Maryland's Tributary Teams, we will be hosting public meetings throughout the State on the Tributary Strategies. We would like to meet with you and your staff to discuss your jurisdiction's role implementing the Tributary Strategies to meet the Bay restoration goals. Team representatives will contact your office to schedule a meeting.

Meanwhile, we thank you for all of the work you have already done to maintain and improve the quality of life, water, and resources, in your jurisdiction and in Maryland. Your efforts have not gone unnoticed. Please feel free to call Catherine Rappe with the Department of Natural Resources at 410-260-8717 should you have any questions or need any additional information.

Sincerely,



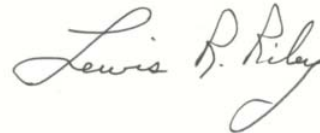
C. Ronald Franks, Secretary  
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